

Yeas—Senators Avinger, Baker, Ball, Dillard, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Rawson, Randle, Sayers, Shelley, Swift, Tendick and Word—20.

On motion of Senator Rawson the Senate adjourned to 10 o'clock, A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, April 5, 1873. }

Senate met pursuant to adjournment Roll called; quorum present.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Finlay presented a memorial of the citizens of Bee county, asking the passage of a liquor law. Read and referred to the Committee on Education.

Senator Flanagan presented a petition from Mrs. A. Sommer. Read and referred to the Committee on Claims and Accounts.

Senator Pyle, chairman of the Committee on Agriculture, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Agriculture, to whom was referred House bill No. 155, a bill to be entitled "An act for the protection of the farming interest of the State," have had the same under careful consideration, and respectfully recommend that it do pass.

W. H. PYLE, Chairman.

Senator Finlay, chairman of the Committee on Militia, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Militia, to whom was referred House bill No. 236, to be entitled "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870; also, to repeal an act entitled an act to amend an act to establish a State police and provide for the regulation of the same, approved May 2, 1871," having carefully considered the same, beg leave to report it back to the Senate with the recommendation that it do pass.

GEO. P. FINLAY, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was confided the investigation of the merits of the claim of Mrs. Emma M. Moore, surviving widow of the late Commodore E. W. Moore, of the navy of the Republic of Texas, have carefully, and as they think maturely, considered the same, and they find, from the laws and journals of this State, and also of Congress, that Commodore Moore and his legal heirs have received from this State, and from the United States government, in addition to his regular pay in said navy up to July, 1843, the following amounts, to-wit: January 2, 1848, for cash advances for the use of the Texas navy, \$11,398; January 2, 1848, for his share of the prize money taken from the enemy, \$1325; the justness of which claims were long doubted by the financial officers of our State government. (See special laws and journals of 1848.)

In 1856 he received the additional sum of \$5290, which was granted upon the express condition that it should be a final settlement of all his demands against the State. (See special laws and journals of 1856.)

They further find that after the incorporation of the Texas navy in that of the United States, of which he claimed to be an officer by virtue of the terms of annexation, he received from the United States government in 1857, as back pay of a retired post captain, the sum of \$12,500. (See laws and journals of Congress, 1857.)

They also find that in 1869 the Congress of the United States appropriated the additional sum of \$5000, in payment of all claims on the part of his legal representatives, upon the express condition that it was to be a final settlement of the whole matter. (See laws and journals of Congress, 1869.)

Thus it will be seen that he and his legal representatives have received from the two governments, since the termination of his active duties as an officer of the navy, the sum of \$35,323.

From the above data your committee is forced to the deliberate conclusion that said claim has no foundation, either in law or equity, and notwithstanding they entertain the highest respect for the claimant as the surviving widow of one of the most gallant officers who served our

commonwealth in her darkest days, yet a sense of justice to the other heroes of that memorable struggle, and their legal representatives, as well as to the whole State, compels them to ask the Senate to reject it.

W. H. SWIFT, Chairman.

Senator Henry, chairman of the Committee on Judiciary No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 7, entitled "An act to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of his term," being reliably informed that said Chief Justice is now on the bench and fulfilling the duties of his office, instruct me to report it back and recommend that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 208, entitled "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," having carefully examined the same, instruct me to report it back, with the accompanying amendment.

JOHN L. HENRY, Chairman.

Amend section one, line twelve, by striking out all after the word "bequest," down to the end of the section, and inserting the following: "To invest the proceeds arising from the sale of the property, and to use the interest and revenues arising therefrom; and if such interest and revenues shall be found insufficient, then the principal or corpus of the property, to carry into effect the purposes of the bequest."

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 242, "An act for the relief of certain pre-emption settlers in Bandera county," having carefully considered the same, instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 241, to be entitled "An act to

amend sections thirteen, fourteen and fifteen of an act to incorporate the town of Palestine, in the county of Anderson," having carefully considered the same, ask leave to report it back and recommend its passage with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend the caption so as to read, "An act to amend sections thirteen, fourteen, sixteen and seventeen of an act entitled an act to incorporate the town of Palestine, in Anderson county."

Amend by adding at the end of section thirteen the following: "or imprisonment not to exceed thirty days."

Amend section sixteen, line twenty-one, by inserting after the word "State" the words, "not to exceed one-half of the State tax."

Amend same section and line by striking out the words "suppress and restrain" and inserting the word "regulate."

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 238, to be entitled "An act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range," having carefully considered the same, ask leave to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills:

Senate bill No. 240, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county."

Senate bill No. 137, "An act to incorporate the Kaufman Savings Bank."

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas."

Senate bill No. 106, "An act for the relief of Joseph Hoya."

Senate bill No. 101, "An act for the relief of the heirs of Daniel Donoho, deceased."

HENRY C. KING, Chairman.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was re-committed a bill to be entitled "An act for the relief of A. H. Cook," having carefully considered the same, instruct me to report the same back with the accompanying amendment, and with the amendment, to recommend its passage.

N. G. SHELLEY, Chairman.

Substitute section two as follows: "SEC. 2. That the sum of six hundred and thirty-six dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay said amount; and the Comptroller shall draw his warrant for said amount; and that this act take effect and be in force from and after its passage."

Senator Finlay introduced a bill entitled "An act allowing bounties on wolf scalps." Read first time and referred to Committee on Indian Affairs.

Also, a bill entitled "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College." Read first time and referred to the Committee on State Affairs.

On motion of Senator Finlay, the rules were suspended to take up out of its order House bill No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870; also, to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation and government of the same, approved May 2, 1871."

Senator Fountain moved to postpone the bill and make it special order for Wednesday next at 11 o'clock A. M.

The hour for special order having arrived, on motion of Senator Broughton, the same was postponed for ten minutes.

On motion of Senator Broughton, the special order was further postponed for ten minutes.

The question recurring upon the postponement of the bill until Wednesday next at 11 o'clock A. M., the same was put and adopted by the following vote:

Yeas—Senators Baker, Broughton, Ford, Flanagan, Fountain, Hall, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, and Tendick—13.

Nays—Senators Avinger, Ball, Dillard, Evans, Finlay,

Henry, King, Latimer, Swift, Word and Mr. President—11.

Special order, viz., House bill No. 102, "An act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856," together with report of the committee recommending that the bill do not pass, was then taken up, and the report of the committee adopted.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code, as amended by act passed May 11, 1871," was taken up, the bill read second time and passed to third reading; rules suspended, read third time and passed.

The following bills were taken from the President's desk, read first time and referred to committees indicated:

House bill No. 13, "An act to incorporate the city of Corsicana." Referred to Committee on State Affairs.

House bill No. 395, "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871." Referred to Committee on Judiciary No. 1.

House bill No. 225, "An act to provide for transcribing county records." Referred to Committee on Judiciary No. 1.

House bill No. 573, "An act to validate the election held in the town of Crockett, Houston county." Referred to Committee on Judiciary No. 2.

House bill No. 180, "An act to define and regulate the punishment of theft." Referred to Committee on Judiciary No. 2.

House bill No. 219, "An act concerning proceedings in the district courts." Referred to Committee on Judiciary No. 1.

House bill No. 263, "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county." Referred to Committee on Claims and Accounts.

House bill No. 424, "An act prescribing the time of holding the district courts in the several judicial districts in the State of Texas, approved August 10, 1870." Referred to Judiciary Committee No. 2.

On motion of Senator Ruby, the rules were suspended to take up House joint resolution No. 590, asking for telegraphic lines on the frontier.

The resolution was read first time; rules suspended, read second time and passed to third reading; rules further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills originating in that body, viz.:

No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company."

No. 386, "An act to validate a certain land certificate therein named."

No. 416, "An act to prohibit the sale of liquor within six miles of Davilla, Milam county, except for medicinal or sacramental purposes."

No. 457, "An act for the relief of Michael B. Botelham."

No. 602, "An act to amend an act passed at the present session of the Legislature amending the charter of the Galveston Artillery Company."

Unfinished business pending when the Senate adjourned on yesterday, viz., Senate bill No. 189, "An act concerning private corporations," was again taken up.

Pending which, on motion of Senator Letimer, the Senate adjourned until Monday next at 10 o'clock A. M.

SENATE CHAMBER,
AUSTIN, TEXAS, April 7, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Burleson.

On motion of Senator Avinger, the reading of the journal of Saturday was dispensed with.

Senator Fountain introduced a bill entitled "An act to provide for the protection of life and property in certain counties." Read first time.

Also, a bill entitled "An act to release certain taxes to the residents of Cooke, Wise, Parker, Wood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same." Read first time.

Also a bill entitled "An act to incorporate the city of El Paso." Read first time, and referred to Judiciary Committee No. 1.